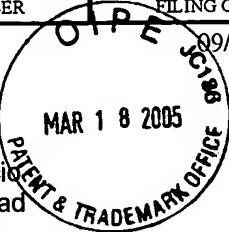




## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/653,692	09/02/2003	Allen Carl	CARL-1 CON



Mark J. Pandiscio  
 Pandiscio & Pandiscio  
 470 Totten Pond Road  
 Waltham, MA 02154

Repln. Ref: 03/21/2005 DTESEM1 0018435000  
 DAB:160221 Name/Number:10653692  
 FC: 9204 \$105.00 CR

CONFIRMATION NO. 3490  
 FORMALITIES LETTER



\*OC000000014094105\*

Date Mailed: 10/15/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

03/21/2005 DTESEM1 00000029 10653692

FILED UNDER 37 CFR 1.53(b)

02 FC:2051 65.00 OP  
 03 FC:2001 395.00 OP

*Filing Date Granted*

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 790 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$606** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1526** for a Large Entity

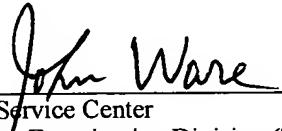
- **\$790** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$606**

- **\$264** for 3 independent claims over 3.
- **\$342** for 19 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Allen Carl  
Serial No.: 10/653,692  
Filed: 09/02/2003  
For: SELECTIVE DELIVERY OF CRYOGENIC ENERGY  
TO INTERVERTEBRAL DISC TISSUE AND  
RELATED METHODS OF INTRADISCAL  
HYPOTHERMIA THERAPY  
Group Art Unit: 3739  
Examiner: Unknown  
Attorney's Docket No.: CARL-1 CON

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED  
WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL,  
POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: COMMISSIONER  
FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450, ON:

March 15, 2005

(DATE OF DEPOSIT)

Mark J. Pandiscio

(NAME OF ATTORNEY)

Mark J. Pandiscio 3/15/05

(SIGNATURE)

March 15, 2005

(DATE OF SIGNATURE)

Sir:

RESPONSE TO OUTSTANDING NOTICE TO FILE MISSING PARTS OF  
NONPROVISIONAL APPLICATION - FILING DATE GRANTED

In response to the outstanding NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION - FILING DATE GRANTED, Applicant  
hereby respectfully submits the following:

CARL-1 CON

(1) a PRELIMINARY AMENDMENT amending the claims pending in the case;

(2) one (1) check in the amount of \$500.00 to cover the filing fees, this charge having been calculated on the basis of Small Entity status;

(3) one (1) check in the amount of \$65.00 to cover the surcharge for the late payment of the filing fee, this charge having been calculated on the basis of Small Entity status; and

(4) a duplicate copy of the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION - FILING DATE GRANTED, as requested in the Notice.

In the event that any additional fees may be required to be paid in connection with this submission, please charge the same, or credit any overpayment, to Deposit Account No. 16-0221.

A duplicate copy of this RESPONSE TO OUTSTANDING NOTICE TO  
FILE MISSING PARTS OF NONPROVISIONAL APPLICATION - FILING DATE  
GRANTED is enclosed for the convenience of the Patent and  
Trademark Office.

Respectfully submitted,

*Mark J. Pandiscio* 3/15/05

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